

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BERTA MUNDAY,

Plaintiff,

No. Civ. S- 04-0593 FCD/PAN

v.

ORDER

PACIFIC BELL DIRECTORY, et al.,
Defendants.

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On December 9, 2005, plaintiff's counsel, Roxanne R. Fritz, was ordered to pay sanctions in the amount of \$300.00 and to show cause why this action should not be dismissed for failure to prosecute. The court ordered counsel to pay the sanctions by December 23, 2005 and to file her response to the Order to Show Cause on or before January 6, 2006, and to appear at a hearing set for January 13, 2006 at 10:00 a.m.

A review of the docket shows that Ms. Fritz neither paid the ordered sanctions nor filed a response to the order to show cause.

Accordingly, the court makes the following orders:

1. The Order to Show Cause hearing set for January 13, 2006 is VACATED; and

2. Plaintiff's case is dismissed for failure to prosecute, Fed. R. Civ. P. 41(b), and for repeated failures to respond to this court's orders, Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992). With respect to dismissal for failure to follow court orders, the court has reviewed the five factors set forth in Ferdik and finds that each warrants dismissal of plaintiff's case.

IT IS SO ORDERED.

DATED: January 11, 2006.

/s/ Frank C. Damrell Jr.
FRANK C. DAMRELL, JR.
United States District Judge